

Remarks

Claims 1-23 are pending. Claims 24-28 are withdrawn from further consideration as being drawn to a nonelected invention. The specification has been amended to reflect the new status of U.S. Patent Application No. 09/921,667. No new matter is added.

Applicants thank the Examiner for including claims 22-23 within elected Group I. Applicants also wish to thank the Examiner for reconsideration and extension of the search to cover the additional species of arthritis nodosa, seronegative spondylarthropathies and inflammatory bowel disease.

The specification has been amended to reflect the issuance of allowed U.S. Patent Application No. 09/921,667.

The Action notes that the parent application (U.S. Patent Application No. 09/921,667, now U.S. Patent No. 6,652,854) lists three inventors while the instant divisional application lists five inventors. The Action requests clarification as to why inventors Jacques J. Peschon and John D. Pluenneke are not named as inventors on the parent patent.

Jacques J. Peschon and John D. Pluenneke were removed as inventors due to the results of amendments and/or cancellations of claims in the prosecution of the 09/921,667 application. A copy of the Petition for Correct Inventorship and accompanying postcard submitted in that case on May 16, 2003, are provided herein.

Double Patenting

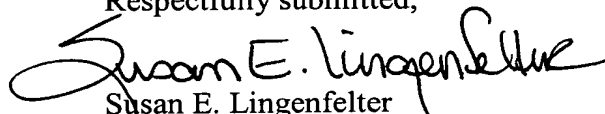
Claims 1-23 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5, 6-15 and 22-24 of U.S. Patent No. 6,652,854 in view of U. S. Patent No. 5,670,527.

Attached hereto is a terminal disclaimer in compliance with 37 CFR 1.321(c). Applicants respectfully request that the obviousness-type double patent rejection of claims 1-23 be withdrawn.

CONCLUSION

Applicants submit that the presented claims are in condition for allowance. A favorable action is earnestly requested. Applicants' attorney invites the Examiner to call her at the number below if any issue remains outstanding.

Respectfully submitted,



Susan E. Lingenfelter

Registration No. 41,156

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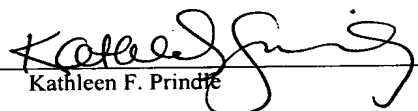
Date: March 2, 2006

Immunex Corporation
Law Department
1201 Amgen Court West
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

March 2, 2006
Date


Kathleen F. Prindle



COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Kendall M. Mohler, Dauphine S. Barone,
Jacques J. Peschon, Mary K. Kennedy and
John D. Pluenneke

Docket No.: 2959-A

Group Art Unit: 1644

Examiner: Haddad, M.

Serial No: 09/921,667

Filed: August 3, 2001

For: METHOD FOR TREATING AUTOIMMUNE AND CHRONIC
INFLAMMATORY CONDITIONS USING ANTAGONISTS OF CD30 OR CD30L

AMENDMENT AND PETITION TO CORRECT INVENTORSHIP

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

- (1) This is a petition pursuant to 37 CFR § 1.48(b) to correct the original naming of inventors in the declaration as set forth and filed on October 10, 2001.
- (2) Please delete the following previously named persons as inventors of this application:

Jacques J. Peschon

and

John D. Pluenneke

The deletion of the two above-named inventors is necessary due to the results of amendments and/or cancellations of claims in the prosecution of this application; the invention(s) of Peschon and Pluenneke is/are not being claimed in the present application.

- 3) An assignment has been filed previously in this application and recorded on October 15, 2001 in Reel 012281 and Frame 0427.

- 4) The required fee is paid as follows:

Applicants hereby authorize the Commissioner to charge the petition fee of \$50 pursuant to 37 C.F.R. § 1.17(q) to Deposit Account No. 09-0089. A copy of this paper is enclosed for that purpose. The Commissioner is further authorized to charge any additional fee required in connection with this petition, even if different from the amount specified here, to Deposit Account No. 09-0089.

Respectfully submitted,



Patricia Anne Perkins
Agent for Applicants
Registration No. 34,693

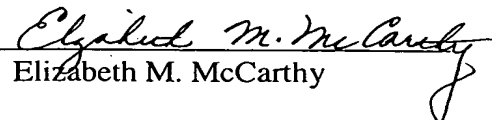
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Date: May 16, 2003

Signature: _____


Elizabeth M. McCarthy

Mailed: May 16, 2003 (PAP:em) Docket No. 2959-A

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



The stamp of the United States Patent and Trademark Office hereon indicates the following:

Fee Authorization/Amendment Transmittal Letter (+1); Response and Amendment B to Final Office Action; Amendment and Petition to Correct Inventorship (+1)

Applicants: Kendall M. Mohler, Dauphine S. Barone, Jacques J. Peschon,
Mary K. Kennedy and John D. Plueneke

Serial No.: 09/921,667

Filed: August 3, 2001

For: METHOD FOR TREATING AUTOIMMUNE AND CHRONIC
INFLAMMATORY CONDITIONS USING ANTAGONISTS OF
CD30 OR CD30L

Return of this card to the Addressee is requested.

COPY